IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 5650 OF 2000

ALONGWITH

WRIT PETITION NO. 5600 OF 2000

Agricultural Produce Market
Committee, Kolhapur ..... Petitioner.

versus

The State of Maharashtra and ors..... Respondents.

.....

Shri T.S. Ingale for petitioner in W.P.5650/00 and
for Respomndent no.5 in W.P.5600/00.
Shri G.S.Godbole for petitioner in W.P.5600/00 and for
Respondent in W.P. 5650/09.
Shri A. Jain for Dr.V.K.Choudhary for Respondent no.4
in both the writ petitions.
Shri C.R.Sonawane AGP for State in both the petitions.

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CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 16TH FEBRUARY 2005.

P.C.;

1. Heard the parties for sometime. The learned counsel appearing on behalf of the Respondent Shankar Maruti Warke in both the writ petitions at whose instance the order was passed by the District Deputy Registrar states that he is entitled to get his seniority from the date of his recruitment as a clerk, since 15-6-1980 when he was appointed to that post.

The petitioners having aggreived by the order as also by the APMC, Kolhapur which is impugned in both the petitions, basically on the ground that the order impugned directs compilation of the period spent by the respondent Shankar Warke as a Weighman which is not the employment but a licence.

2. The learned counsel appearing on behalf of the respondent Shankar states that his seniority as per the seniority list prepared and published after his appointment on 15-6-1980 is liable to be maintained. A.P.M.C. as also the other aggrieved persons i.e. S.B.Patil and others agree that the seniority in the cadre of clerk always has defeated from 15-6-1980 is correct. In this view of the matter, we dispose of both the petitions, set aside the impugned order in the light of the above directions. Petitions accordingly disposed of.

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